

Members:
Rep. Mark Kruzan, Chair
Rep. John Frenz
Rep. Dale Sturtz
Rep. Luther Lutz
Rep. Richard Mangus
Rep. Thomas Saunders
Sen. James Merritt, V. Chair
Sen. Allen Paul
Sen. Becky Skillman
Sen. William Alexa
Sen. James Lewis
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON STATE GOVERNMENT ISSUES

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MEETING MINUTES

Meeting Date: July 28, 1998
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Mark Kruzan, Chairperson; Rep. John Frenz; Rep. Dale Sturtz; Rep. Luther Lutz; Rep. Thomas Saunders; Sen. James Merritt, Vice-Chairperson; Sen. Allen Paul; Sen. Becky Skillman; Sen. William Alexa; Sen. Timothy Lanane.

Members Absent: Rep. Richard Mangus; Sen. James Lewis.

Rep. Kruzan called the meeting to order at 1:40 pm. Senator Merritt led the discussion on the creation of a Department of Indiana Heritage. Sen. Merritt explained that the proposal is to bring all of the agencies that deal with Indiana's heritage together into one department.¹

Former Governor Orr indicated that he supports the idea of a department, but questioned whether it is premature to act now on the proposal. He questioned whether all of the people who need to be involved in this proposal, including the Governor,

¹Sen. Merritt distributed a copy of an editorial from the July 24, 1998 edition of the Indianapolis Star that concerns the creation of a department of Indiana Heritage. A copy of the editorial is on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana. The telephone of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

Lieutenant Governor, Budget Director, agency heads, and commissioners, have agreed to the proposal and are aware of their responsibilities. He indicated that the new department needs a person who understands budgets and will control expenditures.

Professor James Glass, author of the proposal submitted to the Committee,² explained that the agencies offering historical programs are distributed throughout Indiana government and there is no public awareness as to what these agencies offer. Prof. Glass distributed a list of states by region with heritage agencies or societies.³ He reported the benefits that other states perceive in having an historical agency: (1) promotes communication among agencies; (2) allows agencies to work for common goals; (3) builds public awareness; (4) improves service; (5) improves efficiency by allowing agencies to share resources; (6) a single agency promotes higher visibility in state government and among the public; (7) promotes agency access to the governor and the legislature; and (8) fosters a common sense of mission and community among the agency workers.

Eleanor Arnold, consumer of cultural and historical services, made the following points: (1) services are fragmented among agencies; (2) agencies offer duplicate services; (2) the public has difficulty locating services; (3) resources should be located statewide, not just in Indianapolis; and (4) the growing tide of interest in history, particularly among young people, needs to be accommodated.

William Doherty, Friends of the Indiana State Archives, Inc. (FISA), explained that FISA was formed to promote the interests of the Indiana State Archives in preserving the public records of Indiana heritage. Mr. Doherty indicated that the FISA board endorsed the concept of a Department of Indiana Heritage and outlined the potential advantages for establishing a department.⁴

Glory-June Greiff, a consulting historian, stated that bringing the agencies together in a department would have a positive effect because they are engaged in a common effort. In addition, the less visible agencies would benefit from association with the visible agencies. A single department would make services more accessible and foster public awareness.

Cheryl Ann Munson listed five benefits of a heritage department: (1) it would provide a focal point for Indiana heritage and show that public officials value heritage; (2) it would make it easier for citizens to locate services; (3) it could promote heritage tourism; (4) the department could be headed by a heritage professional; and (5) it could foster communication and cooperation between historical societies, archaeological societies and support groups.

Jay McQueen informed the Committee that he was representing the executive branch of government. He stated that the Governor and the Lieutenant Governor are interested in the idea of a Department of Indiana Heritage. He stated, however, that

²A copy of the proposal is on file in the Legislative Information Center (see footnote 1).

³A copy of the list is on file in the Legislative Information Center (see footnote 1).

⁴Mr. Doherty's testimony is on file in the Legislative Information Center (see footnote 1).

additional information is needed, such as the statutes stating the responsibilities and duties of the agencies, the rosters of people in the agencies, and budgetary needs. He stated his willingness to work with the Committee.

Robert Barrows, consumer of historic services, made the following points: (1) consolidating the agencies will not necessarily make it easier for the public to locate services, if the public calls one number and is then transferred throughout the department. (2) unless the heritage department is housed in one building, the public will still have to go to more than one location to obtain services. (3) if separate agencies are eliminated, so is the potential for public debate, because debates for funding, etc., will become intragency debates.

Rep. Kruzan indicated that this issue would be examined again at the next Committee meeting. The Committee then received testimony on the issue concerning the petition procedure for a town to become a city.⁵

Dan A. Patterson, Attorney for the town of Edinburgh, described Edinburgh's experience with the petition procedure. The law requires a petition to have voters' signatures equal to 2% of the total vote cast at the last election for secretary of state. Mr. Patterson indicated that in the case of the town of Edinburgh, only 23 signatures were required on the petition, a requirement that was satisfied by one family. He said that voters were not informed of the cost involved in changing to a city, including the cost of establishing a full-time police and fire department. Voters were unaware that the town board passed the resolution supporting the petition because the board was required to do so by law. Mr. Patterson suggested the following: (1) increase the percentage of signatures required on the petition to 20% of registered voters or 10% of the town's population; and (2) because voter interest can be low for a primary election, put the local public question only on the general election ballot.

Brad King, Indiana Election Commission Division, provided the Committee with the legislative history of the petition statute. Mr. King explained that the current change in percentages occurred in 1995, with Indiana's enactment of the National Voter Registration Act. Mr. King indicated in response to a question from Senator Skillman, that the percentages could be changed without violating federal law.

Dennis Malloy, Indiana Association of Cities and Towns (IACT), stated that IACT supports Edinburgh's position. Mr. Malloy estimated some of costs for Edinburgh to become a city, including at least a \$40,000 annual contribution to the police and fire pension fund. He suggested eliminating the petition procedure and allowing the town board to make the decision. In response to a question from Rep. Frenz, Mr. King indicated that for a city to change to a town, the decision rests with the city. Rep. Kruzan said the Committee may consider three proposals on this issue: (1) keep the current petition procedure; (2) adopt the proposal suggested by the town of Edinburgh; or (3) repeal the petition procedure.

Rep. Kruzan stated that due to the numerous complaints he received on creating work groups concerning public access issues, the full committee will deal with mechanics issues, compliance issues, and fees. A group of committee members will be responsible for each issue, will talk to those interested in the issue, and will

⁵The petition procedure is located at IC 36-4-1-4. The statute that contains the percentage of signatures required for a petition to be placed on the ballot as a local public question is located at IC 3-8-6-3.

coordinate the testimony at the full committee meeting. He outlined the following meetings which will begin at 1:30 p.m. in the House Chambers of the State House:

- ▶ **August 25, 1998** Sen. Merritt and Rep. Sturtz will lead the discussion on copy fees. Sen. Skillman, Sen. Alexa, and Rep. Mangus will conduct the discussion on compliance issues. The Committee will also discuss the Department of Indiana Heritage issue.
- ▶ **September 22, 1998** Rep. Frenz, Sen. Lanane, and Rep. Lutz will lead the discussion concerning mechanics issues, which will involve examining legal definitions and statutory citations.
- ▶ **October 6, 1998** Committee and public discussion of proposals on the topics.
- ▶ **October 20, 1998** Committee recommendations.

The Committee received testimony on the public access issue. Wendy Brant addressed the Committee on the legality of an ordinance adopted by Boone County concerning the copying and reproduction of documents.⁶

Yvonne Kersey discussed her unsuccessful efforts to obtain a file from the office of the New Albany Building Commissioner. Ms. Kersey also related the difficulties of other New Albany citizens in obtaining public records⁷.

Larry Fox, Carmel, related his experiences in obtaining public records. He suggested the following with regard to the public records statute: (1) Keeping the provision that says that any person may inspect or copy a record. (2) Because some agencies try to make a profit from copies, continue to allow a person to make copies on the person's own equipment,

Julia Vaughn, Common Cause/Indiana, testified that the General Assembly should keep an official public record of standing committee meetings during session. She stated that appointing a public access ombudsman is an insufficient measure, because some officials will not comply with an ombudsman request.

Katherine Azhar updated the Committee on her experience with the Noblesville city court. Ms. Azhar said that Judge Caldwell stated in a newspaper interview that he would take steps to make records less available to the public.

Phillip B. Wert indicated that access to public records is important for the land title industry and commerce. He stated that the Committee should weigh how records are used in the economy and everyday life.

Dan M. Griffith detailed his experience with Freedom of Information Act requests. He supports creation of a permanent investigative agency for public records access, since most people do not have the time to pursue records requests. He reported in other states that public records lawsuits for public records access are given priority on the court docket. He supported use of an ombudsman if the attorney general does not pursue records cases.

John Berntson described his attempts to obtain child abuse records from the Noble County Office of Family and Children and records from the Noble County Circuit

⁶ A copy of a legal opinion by Ms. Brant's attorney is on file in the Legislative Information Center.

⁷A copy of Ms. Kersey's testimony and documents are on file in the Legislative Information Center (see footnote 1).

Court.⁸

Michael Lynn, Trials of Life, related his experience with the public records law in trying to determine whether public officials have complied with the law requiring the filing of an oath and a bond.

Rep. Kruzan adjourned the meeting at 4:04 pm.

⁸A letter from Mr. Berntson is on file in the Legislative Information Center (see footnote 1).